

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 08-6767 AHM (JCx)	Date	May 27, 2009
Title	NICHOLAS T. HARITON, et al. v. CHASE AUTO FINANCE CORP., et al.		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE
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Stephen Montes	Not Reported	
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys NOT Present for Plaintiffs:	Attorneys NOT Present for Defendants:	

Proceedings: IN CHAMBERS (No Proceedings Held)

On April 6, 2009, this Court dismissed Plaintiffs' Second Amended Complaint ("SAC") but gave Plaintiffs leave to amend some of their claims against Defendant Chase Auto Finance ("Chase"), by not later than April 20, 2009. On April 23, 2009, Plaintiff's attorney filed a declaration stating that for "personal and business reasons" he incorrectly calendared the April 20, 2009 deadline, and he would seek a stipulation to file a Third Amended Complaint ("TAC"). Defendant Chase refused to enter a stipulation, and on April 29, 2009 Plaintiff filed a Motion for Relief from Order or Leave to File Third Amended Complaint, pursuant to Federal Rule of Civil Procedure 60(b).¹ Plaintiffs' attorney set forth in a declaration the specific reasons why he mis-calendared the deadline. The Motion is opposed by Chase, and Experian Services Corp. joins Chase's opposition.

The Court GRANTS the motion.² Allowing Plaintiffs to file a TAC presents no danger of prejudice to Defendants; the length of the delay was de minimis; Plaintiff's attorney set forth sufficient reasons for the very brief delay; and the declaration of Plaintiff's attorney supports the conclusion that the moving party's conduct was in good faith. *See Pioneer Inv. Servs., Co. v. Brunswick Assocs.*, 507 U.S. 380, 395 (1993) (setting forth relevant factors).

¹ "On motion and just terms, the court may relieve a party or its legal representative from a . . . order. . . for . . . mistake, inadvertence, surprise, or excusable neglect" Fed. R. Civ. P. 60(b).

² Docket No. 23.

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If Plaintiffs wish to amend their complaint they must do on or before **June 1, 2009**. In light of Plaintiffs' multiple attempts to assert valid claims, this will be their final opportunity to file a viable amended complaint. If Plaintiffs fail to file any amended complaint by June 1, 2009, their claims against Chase will be dismissed in their entirety with prejudice.

No hearing is necessary. Fed. R. Civ. P. 78; L. R. 7-15.

Initials of Preparer

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SMO